

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

U.S. NAVY SEALs 1-3, on behalf of themselves and all others similarly situated; **U.S. NAVY EXPLOSIVE ORDNANCE DISPOSAL TECHNICIAN 1**, on behalf of himself and all others similarly situated; **U.S. NAVY SEALs 4-26**; **U.S. NAVY SPECIAL WARFARE COMBATANT CRAFT CREWMEN 1-5**; and **U.S. NAVY DIVERS 1-3**,

Plaintiffs,

v.

LLOYD J. AUSTIN, III, in his official capacity as United States Secretary of Defense; **UNITED STATES DEPARTMENT OF DEFENSE**; **CARLOS DEL TORO**, in his official capacity as United States Secretary of the Navy,

Defendants.

Case No. 4:21-cv-01236-O

**[PROPOSED] ORDER GRANTING MOTION FOR CLASS CERTIFICATION AND
APPOINTMENT OF CLASS COUNSEL**

On January 25, 2022, Plaintiffs filed this Motion for Class Certification and Appointment of Class Counsel. Having considered Plaintiffs' motion, any responses thereto filed by the Defendants, and any replies thereto filed by Plaintiffs, the Court finds that the requirements of Fed. R. Civ. P. 23 are satisfied and the motion should be granted.

IT IS HEREBY ORDERED:

1. Plaintiffs' Motion for Class Certification is GRANTED.
2. This action shall proceed as a class action with the members of the Class and Subclasses consisting of:

All members of the United States Navy who are subject to the Navy's COVID-19 Vaccine Mandate and who have submitted a Religious Accommodation request concerning the Navy's COVID-19 Vaccine Mandate ("Navy Class");

All members of the Navy Class who are now or will be assigned to Naval Special Warfare or Naval Special Operations, who are subject to the Navy's COVID-19 Vaccine Mandate, and who have submitted a Religious Accommodation request concerning the Navy's COVID-19 Vaccine Mandate ("Naval Special Warfare/Operations Subclass"); and

All members of the Navy Class who are now or will be United States Navy SEALs, who are subject to the Navy's COVID-19 Vaccine Mandate, and who have submitted a Religious Accommodation request concerning the Navy's COVID-19 Vaccine Mandate ("Navy SEALs Subclass").

3. The following Named Plaintiffs are appointed as class representatives of the Navy Class and the Naval Special Warfare/Operations Subclass:

- a. United States Navy SEAL 1;
- b. United States Navy SEAL 2;
- c. United States Navy SEAL 3; and
- d. United States Navy Explosive Ordnance Disposal Technician 1.

4. The following Named Plaintiffs are appointed as class representatives of the Navy SEALs Subclass:

- a. United States Navy SEAL 1;
- b. United States Navy SEAL 2; and
- c. United States Navy SEAL 3.

5. The following attorneys are appointed as co-counsel for the class:

- a. Hacker Stephens LLP; and
- b. attorneys from First Liberty Institute, a non-profit organization with its office in Plano, Texas.

SO ORDERED this _____ day of _____ 2022.

REED O'CONNOR
UNITED STATES DISTRICT JUDGE